

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.1519 of 2016

Date:20.01.2016

Between:

Khaja Naseer Uddin Ahmed,
S/o Khaja Moinuddin Ahmed

..... Petitioner

And:

State of Telangana., repled by its Principal
Secretary, Municipal Admn. & Urban
Development, Hyderabad and two others.

.....Respondents

Counsel for the Petitioner: Mr. Chenchu Ramaiah

Counsel for Respondent No.1: AGP for Municipal Admn.
(AP)

The Court made the following:

ORDER:

This Writ Petition is filed for a *Mandamus* to set aside notice, vide No.G2/457/2015, dated 15.5.2015, of respondent No.2.

The petitioner alleged that he is the owner of property admeasuring 165.83 square yards in Survey No.1263 situated at Chaitanyapuri, Karimnagar, having been granted a patta on 14.9.1984 by the Tahsildar, Karimnagar. He has further averred that he has applied for permission for construction of house in the said site and respondent No.2 granted permission on 20.02.2015;

that respondent No.3 in collusion with one Hassanand Panjuwani, S/o Late Hemandas Panjuwani, created false documents and obtained permission, vide proceedings No.G2/702/2013, dated 10.10.2013; and that on coming to know about the same, he made a complaint to II Town Police Station, Karimnagar, based on which Crime No.428 of 2015 was registered against respondent No.3 on 04.11.2015.

The petitioner further averred that by the impugned notice, respondent No.2 has called upon him to show cause why the building permission granted on 20.02.2015 in his favour shall not be cancelled as, the same was obtained by misrepresentation of facts. In reply thereto, the petitioner submitted his objections on 28.5.2015. As no decision has been taken by respondent No.2 on the impugned show cause notice, the petitioner has filed this Writ Petition.

At the hearing, Mr. V.Satyam Reddy, learned Standing Counsel for Karimnagar Municipal Corporation, appearing for respondent No.2, submitted that respondent No.2 has not taken any decision so far on the impugned show cause notice.

Under Section-450 of the Greater Hyderabad Municipal Corporation Act, 1955, respondent No.2 is vested with the power to cancel the building permission if he is satisfied that such permission was granted in consequence of any material misrepresentation or fraudulent statement contained in the notice given or information furnished under Sections-428 or 433 of the Act.

In the light of this provision, respondent No.2 is consecrated with the power to issue the impugned show cause notice and therefore, no *Mandamus* can be issued restraining respondent No.2 from exercising the statutory power.

Since no order adverse to the interests of the petitioner has been passed by respondent No.2, no prejudice has been caused to his interests so far.

However, having issued the show cause notice, respondent No.2 is expected to take a decision instead of keeping the issue in suspended animation. Therefore, while declining to interfere with the impugned show cause notice, the Writ Petition is disposed of with the direction to respondent No.2 to take a decision on the show cause notice, after considering the representation of the petitioner, and communicate the same to the petitioner as well as respondent No.3 within one month from the date of receipt of a copy of this order.

As a sequel to disposal of the Writ Petition, WPMP.No.1907 of 2016 shall stand disposed of as infructuous.

*JUSTICE C.V.NAGARJUNA
REDDY*

*20th January, 2016
DR*